

**Minutes of the Judiciary and Law Enforcement Committee
March 11, 2011**

Chair Jean Tortomasi called the meeting to order at 8:30 a.m.

Committee Members Present: County Board Supervisors Jean Tortomasi (Chair), Paul Decker, Steve Wimmer, Bill Zaborowski, Peter Wolff, Dave Falstad, Kathleen Cummings.

Also Present: Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Emergency Management Coordinator Bill Stolte, Deputy Inspector Eric Severson, Jail Administrator Mike Giese, Business Manager Lyndsay Johnson, Budget Management Specialist Linda Witkowski, Corporation Counsel Tom Farley.

Approve Minutes of February 11, 2011

MOTION: Falstad moved, second by Zaborowski, to approve the minutes of February 11, 2011.
Motion carried 7-0.

Executive Committee Report of February 14, 2011

Tortomasi summarized the items discussed at the Executive Committee meeting of February 14, 2011 including the following: IT updates, proposed internal audit plan, proposed audit scopes for Treasurer and County Clerk, and ordinances that have since been passed at the last County Board meeting.

Reports from Committee Member Liaisons

Zaborowski gave an update of the ADRC Advisory Board meeting, where ADRC Director Cathy Bellovary discussed challenges presented with the anticipated HHS State budget.

Future Agenda Items

- Update on Huber Study Committee Final Report (Wimmer)
- Update on Sheriff's Department presence in Madison

Future Meeting Date

- April 15, 2011

Ordinance 165-O-104: Accept Homeland Security-Urban Area Security Initiative FFY2010 Program Funding And Modify The Emergency Preparedness 2011 Budget To Appropriate Grant Revenues And Expenditures For Emergency Operations Center Teleconferencing And Workstation Upgrades

Stolte discussed this ordinance which authorizes the acceptance of \$8000 in UASI funding for improvements to teleconferencing and workstation equipment in the Emergency Operations Center (EOC). Because of the layout of the conference room, there has been difficulty hearing and being heard during teleconferences. The teleconference phone system upgrade would include extension microphones to address this issue. With assistance of Information Technology (IT) staff, conference bridging capability would be enabled so that the EOC can host teleconferences. Additional mobile workstations (2-3) would also be installed.

Tortomasi asked about the timeline for completion of this project. Stolte stated the funds must be expended by January 30, 2012, but expects the project would be completed well before the deadline.

Falstad asked how needs are determined for these types of grants. Stolte stated operational capabilities are assessed regularly using benchmarks set by Homeland Security and Wisconsin Emergency Management. Stolte further explained the process followed leading up to submission of a grant application.

Decker asked whether the improved teleconferencing capabilities would reduce costs in terms of meetings, mileage, etc. Stolte confirmed that it would reduce costs.

MOTION: Decker moved, second by Zaborowski, to approve Ordinance 165-O-104. Motion carried 7-0.

Ordinance 165-O-105: Accept Homeland Security-Urban Area Security Initiative FFY2010 Program Funding And Modify The Emergency Preparedness 2011 Budget To Appropriate Grant Revenues And Expenditures For Purchase Of An Incident Management Team Trailer

Tortomasi reviewed the corrected fiscal note for Ordinance 165-O-105 which was distributed to each committee member. Per the County's Executive's Office, the grant period reimbursement end date should be January 30, 2012.

Stolte reviewed this ordinance which authorizes the acceptance of \$75,000 of federal Homeland Security funding for an incident management team trailer and associated emergency response equipment and supplies on behalf of the City of New Berlin. The trailer would be deployable throughout the County and UASI region.

Stolte discussed the importance of an incident management team to assist a county or municipality in a disaster situation. Initially the City of Waukesha was set to manage this grant; however, the City backed out and responsibility has shifted back to the County. The City of New Berlin has agreed to take over responsibility for the trailer and associated equipment. The County will make the purchase and transfer all responsibilities, including repair, maintenance and storage costs, through a signed memorandum of understanding.

MOTION: Falstad moved, second by Zaborowski, to approve Ordinance 165-O-105. Motion carried 7-0.

Ordinance 165-O-106: Accept Homeland Security-Urban Area Security Initiative FFY2010 Program Funding And Modify The Emergency Preparedness 2011 Budget To Appropriate Grant Revenues And Expenditures For Portable Surveillance Camera System

Stolte reviewed this ordinance which authorizes the acceptance of \$45,000 of federal Homeland Security funding to purchase a portable surveillance camera system that will be provided to the Village of Menomonee Falls for deployment throughout the region as needed. Menomonee Falls will own the equipment. The County will make the purchase and transfer all responsibilities, including repair, maintenance and storage costs, through a signed memorandum of understanding.

MOTION: Wolff moved, second by Cummings, to approve Ordinance 165-O-106. Motion carried 7-0.

Ordinance 165-O-107: Amend Sheriff's Department 2011 Budget Expenditure Of Office Of National Drug Control Policy Cooperative Agreement Funds

Severson and Johnson were present to discuss this ordinance which authorizes the acceptance of up to \$14,310 of federal funding to pay for expenses related to the County's participation in investigation and enforcement activities in the Milwaukee High Intensity Drug Trafficking Area (HIDTA). Expenses include overtime and related benefits, digital optics and camera upgrades, and GPS vehicle tracking equipment.

MOTION: Cummings moved, second by Wimmer, to approve Ordinance 165-O-107. Motion carried 7-0.

Ordinance 165-O-108: Accept 2011 State Of Wisconsin Department Of Transportation Highway Safety Grant And Modify Waukesha County Sheriff Department's 2011 Budget To Authorize Grant Expenditures

Severson discussed this ordinance which would authorize the acceptance of WisDOT grant funding to support enforcement activities in an effort to reduce alcohol impaired driving and alcohol-related crashes. The efforts include saturation patrols, typically alcohol, speed and seatbelt enforcement in designated areas. The funding would be used to purchase equipment and clothing (estimated at \$12,090) and cover overtime costs (estimated at \$33,360) associated with the targeted enforcement activities. The Sheriff's Department is not asking to appropriate the entire amount of the grant at this time, acknowledging that it may be difficult for the Department to spend the full amount on grant enforcement activities by the September 30, 2011 deadline.

Cummings questioned the clothing expense as outlined in the fiscal note. Severson explained the clothing purchased would be traffic/safety vests. Johnson explained that \$1500 would be spent on 75 traffic vests. Equipment purchases would include radar units, which cost several thousand dollars each. Cummings requested a clarification be made in the fiscal note because it now appears that \$12,090 is being spent on clothing alone. Johnson stated Department of Administration (DOA) staff created the fiscal note and would be responsible for any changes to it. Johnson said she would follow up with DOA regarding Cummings' request for the clarification.

MOTION: Wolff moved, second by Cummings, to approve Ordinance 165-O-108. Motion carried 7-0.

Prisoner Reimbursement Program

Farley was present to discuss the prisoner reimbursement program as a follow up to Wolff's request for an update to Corporation Counsel's previous opinion on the issue. Farley distributed a copy of the written legal opinion issued by Assistant Corporation Counsel William Domina dated October 5, 1998. Farley said that almost every year since, DOA, in conjunction with the Sheriff's Department, has asked for the issue to be reviewed and re-explained to make sure there have been no changes in the case law.

Farley discussed the interpretation of the pertinent state statutes as determined by the Supreme Court in several cases. He thoroughly reviewed the legal precedent set by the most recent and leading case, City of Milwaukee v. Milwaukee County (1965). Farley also cited several examples of litigation dating back over the last 100+ years in relation to charging for the expense of maintaining prisoners, including several cases filed against Waukesha County. Counties have not been successful in winning any of these cases. Farley noted that although the statutes have been renumbered over the years, the wording has not changed. He maintained there is no legal precedent to support any change in charging municipalities or prisoners themselves for the actual per-day cost of prisoner maintenance in the jail.

Legislative Update

Spaeth stated the budget repair bill passed the Assembly and the Senate and the governor is expected to sign it today. The County is still gathering information on the proposed new budget. It does include a number of cuts to shared revenue, youth aids, etc. There are mandates released in the budget relating to recycling and library funding. Spaeth said she would be traveling to Madison this afternoon to meet with WCA and other county lobbyists to go over strategies for the upcoming budget. Spaeth also noted she was in Washington D.C. earlier this week where she met with the Wisconsin delegation to lobby on tax intercept and airport funding.

MOTION: Cummings moved, second by Zaborowski, to adjourn 10:00 a.m. Motion carried 7-0.

Respectfully submitted,

Kathleen M. Cummings
Secretary